

PROPOSED – BOARD FOR BARBERS AND COSMETOLOGY RULES AND REGULATIONS

Pre-NOIRA – Attachment 1

CHAPTER 30.

REGULATIONS – BARBERING AND COSMETOLOGY

PART I.

GENERAL.

18 VAC 41-30-10. Definitions.

The following words and terms when used in this chapter shall have the following meaning, unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.

"Affidavit" means a written statement of facts, made voluntarily and confirmed by the oath or affirmation of the party making it, taken before a notary or other person having the authority to administer such oath or affirmation.

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, shampoos or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease: shaving, shaping and trimming the beard; cutting, singeing, shampooing or dyeing the hair or applying lotions thereto; applications, treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering"

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1 shall not apply to the acts described hereinabove when performed by any person in his home if such
2 service is not offered to the public.

3
4 "Barber instructor" means any person who has been certified by the board as having completed an
5 approved curriculum and who meets the competency standards of the board as an instructor of barbering.

6
7 "Barbershop" means any establishment or place of business within which the practice of barbering is
8 engaged in or carried on by one or more barbers.

9
10 "Board" means the Board for Barbers and Cosmetology.

11
12 "Certificate holder" means any person holding a certificate issued by the Board for Barbers and
13 Cosmetology, as defined in § 54.1-700 of the Code of Virginia.

14
15 "Compensation" means the payment of money or anything of value in exchange for services provided.

16
17 "Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the
18 nails of any person; arranges, dresses, curls, waves, cleanses, cuts, shapes, singes, waxes, tweezes,
19 shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or
20 hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such
21 acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of
22 the wig or hairpiece, and practices cosmetology for compensation.

23
24 "Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments;
25 manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cleansing, cutting,
26 shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work,

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1 upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical
2 apparatus or appliances, but shall not include such acts as adjusting, combing, or brushing prestyled wigs
3 or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

4
5 "Cosmetology instructor" means a person who has been certified by the board as having completed an
6 approved curriculum and who meets the competency standards of the board as an instructor of
7 cosmetology.

8
9 "Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment,
10 place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may
11 include the training of apprentices under regulations of the board.

12
13 "Department" means the Virginia Department of Professional and Occupational Regulation.

14
15 "Direct supervision" means that a Virginia licensed barber, cosmetologist, or nail technician shall be
16 present in the barbershop, cosmetology salon, or nail technician salon at all times when services are
17 being performed by a temporary permit holder or registered apprentice.

18
19 "Direct supervision of haircutter" means that a Virginia licensed barber or cosmetologist shall be present
20 in the barbershop or cosmetology salon at all times when haircutting is being performed and shall see the
21 client following the services rendered by the haircutter and prior to the client leaving the barbershop or
22 cosmetology salon.

23
24 "Direct supervision of wax technician" means that a Virginia licensed cosmetologist shall be present in the
25 cosmetology salon at all times when waxing is being performed and shall see the client following the wax
26 treatment and prior to the client leaving the cosmetology salon.

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1
2 "Endorsement" means a method of obtaining a license by a person who is currently licensed in another
3 state.

4
5 "Haircutter" means any person licensed by the board who for compensation cuts, trims, tapers or thins
6 human hair with a razor, clippers, or shears. A licensed haircutter may shampoo and dry human hair and
7 may apply topical styling products that do not include the coloring, perming and relaxing process. A
8 licensed haircutter may trim and shape the beard and trim or razor cut the edges of the haircut.

9
10 "Haircutter school" means a place or establishment licensed by the board to accept and train students to
11 perform haircutting services.

12
13 "Haircutting" includes, but is not limited to, the following practices: cutting, trimming, tapering or thinning
14 human hair with a razor, clippers, or shears; and shampooing and drying human hair and applying topical
15 styling products that do not include the coloring, perming and relaxing process. Haircutting may include
16 trimming and shaping the beard and trimming or razor-cutting the edges of the haircut.

17
18 "Licensee" means any person, partnership, association, limited liability company, or corporation holding a
19 license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of
20 Virginia.

21
22 "Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

23
24 "Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or
25 event wherein nail care is offered or practiced on a regular basis for compensation and may include the
26 training of apprentices under regulations of the board.

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1
2 "Nail school" means a place or establishment licensed by the board to accept and train students in nail
3 care.

4
5 "Nail technician" means any person who for compensation manicures or pedicures natural nails or
6 performs artificial nail services for compensation, or any combination thereof.

7
8 "Nail technician instructor" means a licensed nail technician who has been certified by the board as
9 having completed an approved curriculum and who meets the competency standards of the board as an
10 instructor of nail care.

11
12 "Physical (wax) depilatory" means the wax depilatory product or substance used to remove superfluous
13 hair.

14
15 "Reciprocity" means a conditional agreement between two or more states that will recognize one
16 another's regulations and laws for equal privileges for mutual benefit.

17
18 "Reinstatement" means having a license or certificate restored to effectiveness after the expiration date
19 has passed.

20
21 "Renewal" means continuing the effectiveness of a license or certificate for another period of time.

22
23 "School of cosmetology" means a place or establishment licensed by the board to accept and train
24 students and which offers a cosmetology curriculum approved by the board.

25

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1 “Virginia state institution” for the purposes of these regulations means any institution approved by the
2 Virginia Department of Education or the Virginia Department of Corrections.

3
4 “Waxing” means the temporary removal of superfluous hair from the hair follicle on any area of the human
5 body through use of a physical (wax) depilatory or by tweezing.

6
7 “Wax school” means a place or establishment licensed by the board to accept and train students to
8 perform waxing services.

9
10 “Wax technician” means any person licensed by the board who removes hair from the hair follicle using a
11 physical (wax) depilatory or by tweezing.

12
13 PART II.

14 ENTRY.

15
16 **18 VAC 41-30-20. General requirements for a barber, cosmetologist, haircutter, nail technician, or**
17 **wax technician license.**

18
19 A. Upon filing an application with the board and paying the required fee, any person having the following
20 qualifications shall be granted a license provided the application contains evidence satisfactory to the
21 board that an applicant has passed the examination administered by the board or by independent
22 examiners:

- 23
24 1. The applicant shall be in good standing as a licensed barber, cosmetologist, haircutter, nail
25 technician, or wax technician in every jurisdiction where licensed. The applicant shall disclose
26 to the board at the time of application for licensure any disciplinary action taken in another

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1 jurisdiction in connection with the applicant's practice as a barber, cosmetologist, haircutter,
2 nail technician, or wax technician. The applicant shall disclose to the board at the time of
3 application for licensure whether he has been previously licensed in Virginia as a barber,
4 cosmetologist, haircutter, nail technician, or wax technician.

5
6 2. The applicant shall disclose his physical address. A post office box is not acceptable.

7
8 3. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has
9 read and understands the Virginia barber and cosmetology license laws and the regulations of
10 the board.

11
12 4. The applicant shall not have been convicted in any jurisdiction of a misdemeanor or felony
13 involving sexual offense, drug distribution or physical injury, or any felony which directly
14 relates to the profession of barbering, cosmetology, haircutters, nail care or waxing. The
15 board shall have the authority to determine, based upon all the information available, including
16 the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the
17 profession of barbering, cosmetology, haircutting, nail care or waxing. Any plea of nolo
18 contendere shall be considered a conviction for the purposes of this section. The applicant
19 shall provide a certified copy of a final order, decree or case decision by a court or regulatory
20 agency with the lawful authority to issue such order, decree or case decision, and such copy
21 shall be admissible as prima facie evidence of such conviction. This record shall be forwarded
22 by the applicant to the board within ten days after all appeal rights have expired.

23
24 5. The board may make further inquiries with respect to the qualifications of the applicant or
25 require a personal interview with the applicant or both. Failure of an applicant to comply with a
26 written request from the board for additional information within 60 days of receiving such

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1 notice, except in such instances where the board has determined ineligibility for a clearly
2 specified period of time, may be sufficient and just cause for disapproving the application.

3
4 B. Training in the Commonwealth of Virginia.

5
6 Any person completing an approved barber, cosmetology, haircutter, nail technician, or
7 wax technician training program in a Virginia licensed barber, cosmetology, nail
8 technician, or wax technician school, respectively, or a Virginia public school's barber,
9 cosmetology, haircutter, nail technician, or wax technician program approved by the
10 State Department of Education shall be eligible for examination.

11
12 C. Training outside of the Commonwealth of Virginia, but within the United States and
13 its territories.

14
15 Any person completing a barber or cosmetology training program outside of the
16 Commonwealth of Virginia must submit documentation of the successful completion of
17 1,500 hours of training. If less than 1,500 hours of barber or cosmetology training was
18 completed, any person submitting a certificate, diploma or adequate documentation
19 verifying the completion of a substantially equivalent barber or cosmetology course and
20 documentation of six months of barber or cosmetology work experience may be eligible
21 for examination.

22
23 Any person completing a haircutter training program outside of the Commonwealth of Virginia
24 must submit documentation of the successful completion of xxx hours of training. If less than xxx
25 hours of haircutter training was completed, any person submitting a certificate, diploma or
26 adequate documentation verifying the completion of a substantially equivalent haircutter course

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1 and documentation of six months of haircutter work experience may be eligible for the haircutter
2 examination.

3
4 Any person completing a nail technician training program outside of the Commonwealth of
5 Virginia must submit documentation of the successful completion of xxx hours of training. If less
6 than xxx hours of nail technician training was completed, any person submitting a certificate,
7 diploma or adequate documentation verifying the completion of a substantially equivalent nail
8 technician course and documentation of six months of nail technician work experience may be
9 eligible for the nail technician examination.

10
11 Any person completing a wax technician training program outside of the Commonwealth of
12 Virginia must submit documentation of the successful completion of xxx hours of training. If less
13 than xxx hours of wax technician training was completed, any person submitting a certificate,
14 diploma or adequate documentation verifying the completion of a substantially equivalent wax
15 technician course and documentation of six months of wax technician work experience may be
16 eligible for the wax technician examination.

17
18 **18 VAC 41-30-30. Apprenticeship training.**

- 19
20 A. Licensed barbers, cosmetologists, and nail technicians who train apprentices shall comply with the
21 standards for apprenticeship training established by the Division of Apprenticeship Training of the
22 Virginia Department of Labor and Industry and the Virginia Board for Barbers and Cosmetology.
23 Owners of barbershops, cosmetology salons, and nail salons who train apprentices shall comply with
24 the standards for apprenticeship training established by the Division of Apprenticeship Training of the
25 Virginia Department of Labor and Industry.

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1 B. Any person completing the Virginia apprenticeship program in barbering, cosmetology, haircutting,
2 nail care, or waxing shall be eligible for examination.

3
4 **18 VAC 41-30-40. Supervision and delegation of duties.**

5
6 A. A Virginia licensed haircutter shall work under the direct supervision of a licensed barber or
7 cosmetologist in a licensed barbershop or cosmetology salon. No licensed barber or cosmetologist
8 shall delegate any barber or cosmetology duties not defined as haircutting under these regulations to
9 a haircutter.

10
11 B. A Virginia licensed wax technician shall work under the direct supervision of a licensed cosmetologist
12 in a licensed cosmetology salon. No licensed cosmetologist shall delegate any cosmetology duties
13 not defined as waxing under these regulations to a wax technician.

14
15 **18 VAC 41-30-50. Exceptions to training requirements.**

16
17 A. Virginia licensed cosmetologists with a minimum of two years of work experience shall be eligible for
18 the barber examination; likewise, a Virginia licensed barber with a minimum of two years of work
19 experience shall be eligible for the cosmetology examination.

20
21 B. Licensed barbers with less than two years of work experience and barber students enrolling in a
22 cosmetology training school may be given educational credit for 50% of the training received at a
23 barber school; likewise, licensed cosmetologists with less than two years of work experience and
24 cosmetology students enrolling in a barber training school may be given educational credit for 50% of
25 the training received at a cosmetology school.

26

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1 C. Any barber, cosmetologist, haircutter, nail technician, or wax technician applicant having been trained
2 as a barber, cosmetologist, haircutter, nail technician, or wax technician in any Virginia State
3 Institution shall be eligible for the respective examination.

4
5 D. Any barber or cosmetologist applicant having a minimum of two years experience in barbering or
6 cosmetology in the United States armed forces and having provided documentation satisfactory to the
7 board of that experience shall be eligible for the respective examination.

8
9 E. Any haircutter applicant having a minimum of two years experience in haircutting and having provided
10 documentation satisfactory to the board of that experience prior to one year from the effective date of
11 this regulation, shall be exempted from the xxx-hour training requirement and shall be deemed
12 eligible to take the written examination in haircutting. No practical examination shall be required.
13 One year from the effective date of this regulation the training requirement and the practical
14 examination shall no longer be waived and all haircutter applicants shall be required to fulfill all entry
15 requirements for licensure.

16
17 F. Any wax technician applicant having a minimum of two years experience in waxing and having
18 provided documentation satisfactory to the board of that experience prior to one year
19 from the effective date of this regulation shall be exempted from the xxx-hour training
20 requirement and shall be deemed eligible to take the written examination in waxing. One
21 year from the effective date of this regulation the training requirement and the practical
22 examination shall no longer be waived and all wax technician applicants shall be required to fulfill all
23 entry requirements for licensure.

24
25 **18 VAC 41-30-60. Examination requirements and fees.**

26

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1 A. Applicants for initial licensure shall pass both a practical and written examination approved by the
2 board. The examinations may be administered by the board or by a designated testing service.

3
4 B. Any applicant who passes one part of the examination shall not be required to take that part again
5 provided both parts are passed within one year of the initial examination date.

6
7 C. Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.

8
9 D. The examination fees shall consist of the administration expenses of the department ensuing from the
10 board's examination procedures and contract charges. Exam service contracts shall be established
11 in compliance with the Virginia Public Procurement Act. Any examination fee shall not exceed a cost
12 of \$225.00 to the candidate.

13
14 **18 VAC 41-30-70. Reexamination requirements.**

15
16 Any applicant who does not pass a reexamination within one year of the initial examination date shall be
17 required to submit a new application and examination fee.

18
19 **18 VAC 41-30-80. Examination administration.**

20
21 A. The examinations shall be administered by the board or the designated testing service. The practical
22 examination shall be supervised by a chief examiner.

23
24 B. Every barber, cosmetology, haircutter, nail technician, or wax technician examiner shall hold a current
25 Virginia license in their respective professions, have three or more years of active experience as a

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1 licensed professional and be currently practicing in that profession. Examiners shall attend training
2 workshops sponsored by the board or by a testing service acting on behalf of the board.

3
4 C. No certified barber, cosmetology, haircutter, nail technician, or wax technician instructor who is
5 currently teaching, or is a school owner, or is an apprentice sponsor shall be an examiner.

6
7 D. Each barber, cosmetology and nail technician chief examiner shall hold a current Virginia license in his
8 respective profession, have five or more years of active experience in that profession, have three years
9 of active experience as an examiner, and be currently practicing in his respective profession. Chief
10 examiners shall attend training workshops sponsored by the board or by a testing service acting on
11 behalf of the board.

12
13 E. The applicant shall follow all rules established by the board with regard to conduct at the examination.
14 Such rules shall include any written instructions communicated prior to the examination date and any
15 instructions communicated at the site, either written or oral, on the date of the examination. Failure to
16 comply with all rules established by the board and the testing service with regard to conduct at the
17 examination may be grounds for denial of application.

18
19 **18 VAC 41-30-90. Barber, cosmetology, haircutter, nail technician and wax technician temporary**
20 **permits.**

21
22 A. A temporary permit to work under the supervision of a currently licensed barber, cosmetologist or nail
23 technician may be issued only to applicants for initial licensure that the board finds eligible for
24 examination. A haircutter temporary permit holder shall only work under the supervision of a licensed
25 barber or cosmetologist, and a wax technician temporary permit holder shall only work under the
26 supervision of a licensed cosmetologist. There shall be no fee for a temporary permit.

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- 1
- 2 B. The temporary permit shall remain in force for 45 days following the examination date. The
- 3 examination date shall be the first test date offered by the board.
- 4
- 5 C. Any person continuing to practice barbering, cosmetology, haircutting, nail care or waxing services
- 6 after a temporary permit has expired may be prosecuted under § 54.1-111.A.1 of the Code of
- 7 Virginia.
- 8
- 9 D. No applicant for examination shall be issued more than one temporary permit.
- 10
- 11 E. All candidates applying for reinstatement who are required to sit for the examination may be issued a
- 12 temporary permit in accordance with the terms of this section.
- 13

14 **18 VAC 41-30-100. General requirements for a barber instructor certificate, cosmetology**

15 **instructor certificate or nail technician instructor certificate.**

16

- 17 A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the
- 18 qualifications set forth in this section shall be eligible for a barber, cosmetology, or nail technician
- 19 instructor certificate, if the person:
- 20
- 21 1. Holds a current Virginia barber, cosmetology, or nail technician license, respectively; and
- 22
- 23 2. Passes a course in teaching techniques at the post-secondary educational level; or
- 24

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3. Completes an instructor training course approved by the Virginia Board for Barbers and Cosmetology under the supervision of a certified barber, cosmetologist, or nail technician instructor in a barber, cosmetology, or nail technician school, respectively; or
4. Passes an examination in barber, cosmetology or nail technician instruction respectively, administered by the board or by a testing service acting on behalf of the board.

B. Applicants passing the examination for a barber, cosmetology or nail technician instructor certificate shall be required to maintain a barber, cosmetology or nail technician license.

18 VAC 41-30-110. Student instructor temporary permit.

A licensed barber, cosmetologist, or nail technician may be granted a student instructor temporary permit to function under the direct supervision of a barber instructor, cosmetology instructor, or nail technician instructor respectively. A licensed nail technician may also be granted a student instructor permit to function under the direct supervision of a cosmetology instructor. The student instructor temporary permit shall remain in force for not more than 12 months after the date of issuance and shall be non-transferable and non-renewable. Failure to maintain a barber, cosmetology, or nail technician license shall disqualify an individual from holding a student instructor temporary permit.

18 VAC 41-30-120. License by endorsement.

Upon proper application to the board, any person currently licensed to practice as a barber, cosmetologist, haircutter, nail technician, or wax technician or who is a barber, cosmetology or nail technician instructor in any other state or jurisdiction of the United States and who has completed both a training program and a written and practical examination that is substantially equivalent to that required

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1 by these regulations, may be issued a barber, cosmetology, haircutter, nail technician, or wax technician
2 license or a barber, cosmetology or nail technician instructor certificate, respectively, without an
3 examination. The applicant must also meet the requirements set forth in 18 VAC 41-30-20.

4
5 **18 VAC 41-30-130. Shop or salon license.**

6
7 A. Any individual wishing to operate a barbershop, cosmetology or nail salon shall obtain a shop or salon
8 license in compliance with § 54.1-704.1 of the Code of Virginia.

9
10 B. A barbershop, cosmetology or nail salon license shall not be transferable and shall bear the same
11 name and address of the business. Any changes in the name, address, or ownership of the shop or
12 salon shall be reported to the board in writing within 30 days of such changes. New owners shall be
13 responsible for reporting such changes in writing to the board within 30 days of the changes.

14
15 C. In the event of a closing of a barbershop or cosmetology or nail salon, the board must be notified by
16 the owners in writing within 30 days of the closing, and the license must be returned by the owners to
17 the board.

18
19 **18 VAC 41-30-140. School license.**

20
21 A. Any individual wishing to operate a barber, cosmetology, nail technician, or wax technician school shall
22 obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia. All instruction and
23 training of barbers, cosmetologists, nail technicians, or wax technicians shall be conducted under the
24 direct supervision of a licensed barber, cosmetologist, or nail technician, respectively. A wax
25 technician must be trained by a licensed cosmetology instructor. A haircutter must be trained by a
26 licensed barber or cosmetology instructor.

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B. A barber, cosmetology, nail technician, or wax technician school license shall not be transferable and shall bear the same name and address as the school. Any changes in the name or address of the school shall be reported to the board in writing within 30 days of such change. The name of the school must indicate that it is an educational institution. All signs, or other advertisements, must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.

C. In the event of a change of ownership of a school, the new owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.

D. In the event of a school closing, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned.

PART III.FEES.**18 VAC 41-30-150. Fees.**

The following fees apply:

<u>FEE TYPE</u>	<u>AMOUNT DUE</u>	<u>WHEN DUE</u>
<u>Individuals:</u>		
<u>Application</u>	<u>\$55</u>	<u>With application</u>
<u>License by Endorsement</u>	<u>\$55</u>	<u>With application</u>
<u>Renewal:</u>		

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<u>Barber</u>	<u>\$25</u>	<u>With renewal card prior to expiration date</u>
<u>Cosmetologist</u>	<u>\$60</u>	<u>With renewal card prior to expiration date</u>
<u>Nail technician</u>	<u>\$25</u>	<u>With renewal card prior to expiration date</u>
<u>Haircutter</u>	<u>\$25</u>	<u>With renewal card prior to expiration date</u>
<u>Wax technician</u>	<u>\$25</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$55</u>	<u>With reinstatement application</u>
<u>Instructors:</u>		
<u>Application</u>	<u>\$60</u>	<u>With application</u>
<u>License by Endorsement</u>	<u>\$60</u>	<u>With application</u>
<u>Renewal</u>	<u>\$60</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$60</u>	<u>With reinstatement application</u>
<u>Facilities:</u>		
<u>Application</u>	<u>\$90</u>	<u>With application</u>
<u>Renewal</u>	<u>\$90</u>	<u>With renewal card prior to expiration date</u>
<u>Reinstatement</u>	<u>\$90</u>	<u>With reinstatement application</u>
<u>Schools:</u>		
<u>Application</u>	<u>\$120</u>	<u>With application</u>
<u>Add Program</u>	<u>\$60</u>	<u>With application</u>

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<u>Renewal</u>	<u>\$120</u>	<u>With reinstatement application</u>
<u>Reinstatement</u>	<u>\$120</u>	<u>With renewal card prior to</u> <u>expiration date</u>

18 VAC 41-30-160. Refunds.

All fees are nonrefundable and shall not be prorated.

18 VAC 41-30-170. Insufficient funds check return.

When a check, money draft, or similar instrument for payment of a fee required by regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional administrative processing fee.

PART IV.**RENEWAL/REINSTATEMENT.****18 VAC 41-30-180. License renewal required.**

A. All barber, cosmetology, haircutter, nail technician, and wax technician licenses; and all barbershop, cosmetology and nail technician salon licenses shall expire two years from the last day of the month in which they were issued.

B. All barber, cosmetology and nail technician instructor certificates shall expire on the same date as the certificate holder's license expiration date.

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1 C. All school licenses shall expire on December 31 of each even numbered year.

2
3 **18 VAC 41-30-190. Notice of renewal.**

4
5 The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee or
6 certificate holder outlining the procedures for renewal. Failure to receive this notice, however, shall not
7 relieve the licensee or certificate holder of the obligation to renew. If the licensee or certificate holder fails
8 to receive the renewal notice, a copy of the old license or certificate may be submitted as evidence of
9 intent to renew, along with the required fee.

10
11 **18 VAC 41-30-200. Failure to renew.**

12
13 A. When a licensed or certified individual or entity fails to renew its license or certificate within 30 days
14 following its expiration date, the licensee or certificate holder shall apply for reinstatement of the
15 license or certificate by submitting to the Department of Professional and Occupational Regulation a
16 reinstatement application and the renewal fee, late renewal fee and reinstatement fee.

17
18 B. When a barber, cosmetologist, haircutter, nail technician, or wax technician fails to renew his license
19 within two years following the expiration date, reinstatement is no longer possible. To resume
20 practice, the former licensee shall apply for licensure as a new applicant, meet all current application
21 requirements, and receive a new license or temporary permit from the board.

22
23 C. When a barber instructor, cosmetology instructor, or nail technician instructor fails to renew his
24 certificate within two years following the expiration date, reinstatement is no longer possible. To
25 resume practice, the former certificate holder shall apply as a new applicant, meet all current

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1 application requirements, and receive a new license or temporary permit from the board. Upon
2 receiving the new license, the individual may apply for a new instructor's certificate.

3
4 D. The application for reinstatement for a school shall provide the reasons for failing to renew prior to the
5 expiration date, and a notarized statement that all students currently enrolled or seeking to enroll at the
6 school have been notified in writing that the school's license has expired. All of these materials shall
7 be called the application package. Reinstatement will be considered by the board if the school
8 consents to and satisfactorily passes an inspection of the school and if the school's records are
9 maintained in accordance with 18 VAC 41-30-260 by the Department of Professional and
10 Occupational Regulation. Pursuant to 18 VAC 41-30-190, upon receipt of the reinstatement fee,
11 application package, and inspection results, the board may reinstate the school's license or require
12 requelification or both. If the reinstatement application package and reinstatement fee are not
13 received by the board within six months following the expiration date of the school's license, the board
14 will notify the testing service that prospective graduates of the unlicensed school are not acceptable
15 candidates for the examination. Such notification will be sent to the school and must be displayed in a
16 conspicuous manner by the school in an area that is accessible to the public. No student shall be
17 disqualified from taking the examination because the school was not licensed for a portion of the time
18 the student attended if the school license is reinstated by the board.

19
20 E. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or
21 its agent, will be used to determine whether a penalty fee or the requirement for reinstatement of a
22 license or certificate is applicable.

23
24 F. When a license or certificate is reinstated, the licensee or certificate holder shall be assigned an
25 expiration date two years from the date of reinstatement except for school licenses which shall expire
26 on December 31 of each even numbered year.

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1
2 G. A licensee or certificate holder who reinstates his license or certificate shall be regarded as having
3 been continuously licensed or certified without interruption. Therefore, a licensee or certificate holder
4 shall be subject to the authority of the board for activities performed prior to reinstatement.

5
6 H. A licensee or certificate holder who fails to reinstate his license or certificate shall be regarded as
7 unlicensed or uncertified from the expiration date of the license or certificate forward. Nothing in these
8 regulations shall divest the board of its authority to discipline a licensee or certificate holder for a
9 violation of the law or regulations during the period of time for which the individual was licensed or
10 certified.

11
12 PART V.

13 BARBER AND COSMETOLOGY SCHOOLS.

14
15 **18 VAC 41-30-210. Applicants for state approval.**

16
17 A. Any person, firm, or corporation desiring to operate a barber, cosmetology, haircutting, nail, or wax
18 school shall submit an application to the board at least 60 days prior to the date for which approval is
19 sought.

20
21 B. Barber, nail, or cosmetology schools under the Virginia Department of Education shall be exempted
22 from licensure requirements.

23
24 **18 VAC 41-30-220. General curriculum.**

25
26 A. A barber, cosmetology, haircutting, nail, or wax school shall:

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1. Hold a school license for each and every location.
2. Hold a salon license if the school receives compensation for services provided in its clinic.
3. Employ a staff of licensed and certified barber, cosmetology, or nail technician instructors.
4. Develop individuals for entry level competency in barbering, cosmetology, haircutting, nail care or waxing.
5. Submit its curricula for board approval.
 - a. Barber curricula shall be based on a minimum of 1,500 clock hours and shall include performances in accordance with 18 VAC 41-30-240.
 - b. Cosmetology curricula shall be based on a minimum of 1,500 clock hours and shall include performances in accordance with 18 VAC 41-30-240.
 - c. Haircutter curricula shall be based on a minimum of xxx clock hours and shall include performances in accordance with 18 VAC 41-30-240. A licensed barber or cosmetology instructor shall provide the training.
 - d. Nail technician curricula shall be based on a minimum of xxx clock hours and shall include performances in accordance with 18 VAC 41-30-240.

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e. Wax technician curricula shall be based on a minimum of xxx clock hours and shall include performances in accordance with 18 VAC 41-30-240. A licensed cosmetology instructor shall provide the training.

6. Inform the public that all services are performed by students if the school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.

7. Maintain separate classroom and clinic areas.

18 VAC 41-30-230. Curriculum requirements.

A. Each barber school shall submit with its application a curriculum including, but not limited to, a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for barbering shall include, but not be limited to, the following:

1. School policies;
2. State law, regulations and professional ethics;
3. Business and shop management;
4. Client consultation;
5. Personal hygiene;
6. Cutting the hair with a razor, clippers, shears;
7. Tapering the hair;
8. Thinning the hair;
9. Shampooing the hair;

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10. Styling the hair with a hand hair dryer;
11. Thermal waving;
12. Permanent waving with chemicals;
13. Shaving;
14. Trimming a moustache or beard;
15. Applying hair color;
16. Lightening or toning the hair;
17. Analyzing skin or scalp conditions;
18. Giving scalp treatments;
19. Giving facial massage or treatment;
20. Sanitizing and maintaining implements and equipment; and
21. Honing and stropping a razor.

B. Each cosmetology school shall submit with its application a curriculum including, but not limited to, a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and performances for all courses to be taught that will lead to licensure. The outline for cosmetology shall include, but not be limited to, the following:

1. Orientation:
 - a. School policies;
 - b. State law, regulations, and professional ethics;
 - c. Personal hygiene; and
 - d. Bacteriology, sterilization, and sanitation.
2. Manicuring and pedicuring:
 - a. Anatomy and physiology;

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1 b. Diseases and disorders;

2 c. Procedures to include both natural and artificial application; and

3 d. Sterilization.

4 3. Shampooing and rinsing:

5 a. Fundamentals;

6 b. Safety rules;

7 c. Procedures; and

8 d. Chemistry, anatomy, and physiology.

9 4. Scalp treatments:

10 a. Analysis;

11 b. Disorders and diseases;

12 c. Manipulations; and

13 d. Treatments.

14 5. Hair styling:

15 a. Anatomy and facial shapes;

16 b. Finger waving, molding and pin curling;

17 c. Roller curling, combing, and brushing; and

18 d. Heat curling, waving, braiding and pressing.

19 6. Hair cutting:

20 a. Anatomy and physiology;

21 b. Fundamentals, materials, and equipment;

22 c. Procedures; and

23 d. Safety practices.

24 7. Permanent waving-chemical relaxing:

25 a. Analysis;

26 b. Supplies and equipment;

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1 c. Procedures and practical application;

2 d. Chemistry;

3 e. Record keeping; and

4 f. Safety.

5 8. Hair coloring and bleaching:

6 a. Analysis and basic color theory;

7 b. Supplies and equipment;

8 c. Procedures and practical application;

9 d. Chemistry and classifications;

10 e. Record keeping; and

11 f. Safety.

12 9. Skin care and make-up:

13 a. Analysis;

14 b. Anatomy;

15 c. Health, safety, and sanitary rules;

16 d. Procedures;

17 e. Chemistry and light therapy;

18 f. Temporary removal of hair; and

19 g. Lash and brow tinting.

20 10. Wigs, hair pieces, and related theory:

21 a. Sanitation and sterilization;

22 b. Types; and

23 c. Procedures.

24 11. Salon management:

25 a. Business ethics; and

26 b. Care of equipment.

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1
2 C. Each barber or cosmetology school teaching haircutting shall submit with its application a curriculum
3 including, but not limited to, a course syllabus, a detailed course content outline, a sample of five
4 lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and
5 performances for all courses to be taught that will lead to licensure. The outline for haircutting shall
6 include, but not be limited to, the following:

- 7
8 1. State law, regulations and professional ethics;
9 2. Client consultation;
10 3. Personal hygiene;
11 4. Cutting the hair with a razor, clippers, shears, as follows:
12 a. Anatomy and physiology;
13 b. Fundamentals, materials, and equipment;
14 c. Procedures; and
15 d. Safety practices.
16 5. Tapering the hair;
17 6. Thinning the hair;
18 7. Shampooing the hair;
19 8. Styling the hair with a hand hair dryer;
20 9. Trimming a moustache or beard;
21 10. Analyzing skin or scalp conditions; and
22 11. Sanitizing and maintaining implements and equipment.

23
24 D. Each school teaching a nail technician program shall submit with its application a curriculum
25 including, but not limited to, a course syllabus, a detailed course content outline, a sample of five
26 lesson plans, a sample of evaluation methods to be used, and a breakdown of hours and

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performances for all courses to be taught that will lead to licensure. The outline for nail care shall include, but not be limited to, the following:

1. Orientation:

a. School policies;

b. State law, regulations and professional ethics;

2. Sterilization, sanitation, bacteriology, and safety;

3. Anatomy and physiology;

4. Diseases and disorders of the nail;

5. Nail procedures (manicuring, pedicuring and nail extensions); and

6. Nail theory, nail structure and composition.

E. Each school applying to teach a cosmetology or nail instructor program shall submit with its application a course syllabus, a detailed course content outline, sample of five lesson plans, and a sample of evaluation methods to be used. The outline shall include, but not be limited to, the following:

1. Orientation, school policies, state laws, regulations and professional ethics;

2. Introduction to teaching and psychology of training;

3. Course development and lesson planning;

4. Teaching methods and aids;

5. Tests and measurements;

6. Classroom management and record keeping; and

7. Student teaching.

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F. Each school teaching a wax technician program shall submit with its application a curriculum including, but not limited to, a course syllabus, a detailed course content outline, a sample of five lesson plans, a sample of evaluation methods to be used, and a breakdown of hours for all courses to be taught that will lead to licensure. The outline for waxing shall include, but not be limited to, the following:

1. Orientation:a. School policies;b. State law, regulations and professional ethics; andc. Personal hygiene.2. Skin care and treatment:a. Anatomy and physiology;b. Diseases and disorders of the skin; andc. Sterilization, sanitation, bacteriology, and safety including infectious disease control measures.3. Waxing procedures (brow, lip, facial, legs, underarm, chest, back and bikini areas):a. Fundamentals;b. Safety rules; andc. Procedures.4. Wax treatments:a. Analysis;b. Disorders and diseases;c. Manipulations; andd. Treatments.5. Skin care:a. Analysis;b. Anatomy;

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- c. Health, safety, and sanitary rules;
 - d. Procedures; and
 - e. Temporary removal of hair.
6. Skin theory, skin structure and composition.

18 VAC 41-30-240. Hours of instruction and performances.

A. Curriculum and performance requirements shall be offered over a minimum of 1,500 clock hours for barbering and cosmetology, xxx clock hours for haircutting, xxx clock hours for nail care, and xxx clock hours for waxing.

B. The curriculum requirements for barbering must include the following minimum performances:

<u>Hair and scalp treatments</u>	<u>10</u>
<u>Hair styling</u>	<u>320</u>
<u>Tinting</u>	<u>15</u>
<u>Bleaching and frosting</u>	<u>10</u>
<u>Temporary rinses</u>	<u>10</u>
<u>Semi-permanent color</u>	<u>10</u>
<u>Cold permanent waving or chemical relaxing</u>	<u>25</u>
<u>Hair shaping</u>	<u>50</u>
<u>Wig care, styling, placing on model</u>	<u>5</u>
<u>Finger waving and thermal waving</u>	<u>30</u>
<u>Facials and waxings</u>	<u>5</u>
<u>TOTAL</u>	<u>490</u>

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C. The curriculum requirements for cosmetology must include the following minimum performances:

<u>Hair and scalp treatments</u>	<u>10</u>
<u>Hair styling</u>	<u>320</u>
<u>Tinting</u>	<u>15</u>
<u>Bleaching and frosting</u>	<u>10</u>
<u>Temporary rinses</u>	<u>10</u>
<u>Semi-permanent color</u>	<u>10</u>
<u>Cold permanent waving or chemical relaxing</u>	<u>25</u>
<u>Hair shaping</u>	<u>50</u>
<u>Wig care, styling, placing on model</u>	<u>5</u>
<u>Finger waving and thermal waving</u>	<u>30</u>
<u>Manicures/pedicures</u>	<u>15</u>
<u>Facials and waxings</u>	<u>5</u>
<u>Sculptured nails/nail tips/wraps</u>	<u>20</u>
<u>TOTAL</u>	<u>525</u>

D. The curriculum requirements for haircutting must include the following minimum performances:

<u>Haircutting</u>	<u>xxx</u>
<u>TOTAL</u>	<u>xxx</u>

E. The curriculum requirements for nail care must include the following minimum performances:

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1	<u>Manicures</u>	<u>XX</u>
2	<u>Pedicures</u>	<u>XX</u>
3	<u>Individual sculptured nails/nail tips</u>	<u>XXX</u>
4	<u>Individual removals</u>	<u>XX</u>
5	<u>Individual nail wraps</u>	<u>XX</u>
6	<u>TOTAL</u>	<u>XXX</u>

7

8 F. The curriculum requirements for waxing must include the following minimum performances:

9

10	<u>Brows</u>	<u>XXX</u>
11	<u>Facial (face, chin, cheek)</u>	<u>XX</u>
12	<u>Lip</u>	<u>XX</u>
13	<u>Leg</u>	<u>XX</u>
14	<u>Underarm</u>	<u>XX</u>
15	<u>Chest</u>	<u>XX</u>
16	<u>Back</u>	<u>XX</u>
17	<u>Bikini area</u>	<u>XX</u>
18	<u>TOTAL</u>	<u>XXX</u>

19

20 **18 VAC 41-30-250. School identification.**

21

22 Each barber, cosmetology, haircutting, nail care, or wax school approved by the board shall identify itself
23 to the public as a teaching institution.

24

25 **18 VAC 41-30-260. Records.**

26

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Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.

18 VAC 41-30-270. Hours reported.

Within 30 days of the closing of a licensed barber, cosmetology, haircutting, nail care, or wax school, for any reason, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.

PART VI.**STANDARDS OF PRACTICE.****18 VAC 41-30-280. Display of license.**

A. Each shop, salon or school owner shall ensure that all current licenses, certificates or permits issued by the board shall be displayed in the reception area of the shop, salon or school in plain view of the public. Duplicate licenses, certificates or permits shall be posted in a like manner in every shop, salon or school location where the regulant provides services.

B. All licensees, certificate holders and permit holders shall operate under the name in which the license, certificate, or permit is issued.

C. Unless also licensed as a cosmetologist, a barber is required to hold a separate nail technician license if he will be performing manicures or pedicures or applying artificial nails.

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D. All apprenticeship cards issued by the Department of Labor and Industry (DOLI) shall be displayed in plain view of the public in the reception area of the shop or salon. The apprentice sponsor shall require each apprentice to wear a badge clearly indicating their status as a DOLI registered apprentice.

18 VAC 41-30-290. Sanitation and safety standards for shops, salons, and schools.**A. Sanitation and safety standards:**

Any shop, salon, school or facility where barber, cosmetology, haircutting, nail, or wax services are delivered to the public must be clean and sanitary at all times. Any equipment, clothes or furniture that touches a client and is going to be re-used must be sanitized between each client, with an antibacterial agent. Compliance with these rules does not confer compliance with other requirements set forth by federal, state and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health.

B. Disinfection and storage of implements:

1. A wet disinfection unit is a container large enough to hold a disinfectant solution in which the objects to be disinfected are completely immersed. A wet disinfection unit must have a cover to prevent contamination of the solution. The solution must be an Environmental Protection Agency (EPA) registered hospital (grade) and tuberculocidal disinfectant solution. Disinfection is to be carried out in the following manner:

a. Remove hair and all foreign matter from the object;

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- b. Wash thoroughly with hot water and soap;
- c. Rinse thoroughly with clean water and dry thoroughly with a clean paper towel;
- d. Fully immerse instruments into solution, and
- e. After immersion, rinse articles, thoroughly dry with a clean paper towel and store in a clean
predisinfected and dry cabinet, drawer, or non-airtight covered container, or leave
instruments in an EPA registered disinfection/storage solution used according to
manufacturer's directions.

NOTE: Disinfection solutions must be used according to manufacturer's directions.

2. Undisinfected articles (i.e., pens, pencils, money, paper, mail, etc.) shall not be kept in the
same container or cabinet as disinfected articles. For the purpose of recharging, rechargeable
clippers may be stored in an area other than in a closed cabinet or container. This area shall be
clean and the cutting edges of any clippers are to be disinfected.
3. Electrical clipper blades shall be disinfected before and after each use. Disinfection is to be
carried out in the following manner:
 - a. Remove all hair and foreign matter;
 - b. Remove blade and all hair and foreign matter under blade; and
 - c. Completely immerse clipper blade into an EPA registered hospital (grade) and tuberculocidal
disinfectant solution for not less than ten minutes. Wipe the entire handle down with the
solution.

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1 NOTE: If the clipper blade cannot be removed, the use of a spray or foam used according to the
2 manufacturer's instructions will be acceptable provided that the disinfectant is an EPA registered hospital
3 (grade) and tuberculocidal disinfectant solution, and that the entire handle is also disinfected by wiping
4 with the disinfectant solution.

5
6 4. All materials including brushes, sponges, chamois, spatulas and galvanic electrodes must be
7 cleaned with warm water and soap or detergent to remove all foreign matter. Implements
8 should then be rinsed, thoroughly dried with a clean paper towel, and completely immersed in
9 an EPA registered hospital (grade) and tuberculocidal disinfectant solution. Such implements
10 shall be soaked for ten minutes or more, removed, rinsed, dried thoroughly and stored in a
11 predisinfected and dry drawer, cabinet or non-airtight covered container, or left in an EPA
12 registered disinfection/storage solution used according to manufacturer's directions.

13
14 5. All wax pots will be cleaned and disinfected with an EPA registered hospital (grade) and
15 tuberculocidal disinfectant solution with no sticks left standing in the wax at any time.

16
17 6. Each barber, cosmetologist, and nail technician must have a wet disinfection unit at his station.

18
19 7. Nail brushes, nippers, finger bowls, disinfectable or washable files and buffers and other
20 instruments must be washed in soap and water (files are to be scrubbed with a brush to remove
21 all foreign matter), rinsed, thoroughly dried with a clean paper towel, and then completely
22 immersed in an EPA registered hospital (grade) and tuberculocidal disinfectant solution for 10
23 minutes after each use. After disinfection they must be rinsed, dried thoroughly with a clean
24 paper towel, and placed in a dry, predisinfected, non-airtight covered receptacle, cabinet or
25 drawer, or left in an EPA registered disinfectant/storage system used according to
26 manufacturer's directions.

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- 1
- 2 8. Drill bits are to be soaked in acetone and scrubbed with a wire brush to remove all foreign
- 3 matter. All foreign matter must be removed. The drill bits must then be cleaned with warm
- 4 water and soap or detergent and rinsed, dried thoroughly with a clean paper towel, and
- 5 completely immersed in an EPA registered hospital (grade) and tuberculocidal disinfectant
- 6 solution. Such implements shall be soaked for ten minutes or more, removed, rinsed, dried
- 7 thoroughly, and stored in a pre-disinfected and dry drawer, cabinet or non-airtight covered
- 8 container, or left in an EPA registered disinfection/storage solution used according to
- 9 manufacturer's directions.
- 10

11 C. General sanitation and safety requirements:

12

- 13 1. The floor surface in the immediate work area must be of a washable surface other than carpet.
- 14 The floor must be kept clean, free of hair, dropped articles, spills and electrical cords;
- 15
- 16 2. Walls and ceilings in the immediate work area must be in good repair, free of water seepage
- 17 and dirt. Any mats shall be secured or shall lay flat;
- 18
- 19 3. A fully functional bathroom in the same building with a working toilet and sink must be available
- 20 for clients. Fixtures must be in good condition. The bathroom must be lighted and sufficiently
- 21 ventilated. If there is a window, it must have a screen. There must be antibacterial soap and
- 22 clean individual towels for the client's use. Laundering of towels is allowed, space permitting.
- 23 The bathroom must not be used as a work area or for the open storage of chemicals;
- 24
- 25 4. General areas for client use must be neat and clean with a waste receptacle for common trash;
- 26

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- 1 5. Electrical cords shall be placed to prevent entanglement by the client or licensee;
- 2
- 3 6. Electrical outlets shall be covered by plates;
- 4
- 5 7. The salon area shall be sufficiently ventilated to exhaust hazardous or objectionable airborne
- 6 chemicals, and to allow the free flow of air;
- 7
- 8 8. Adequate lighting shall be provided; and
- 9
- 10 9. All salons and immediate work areas shall be free of insects, rodents, birds or any type of
- 11 animals. Hearing and Seeing Eye dogs are exempt.
- 12

13 D. Equipment sanitation:

- 14
- 15 1. Sinks or shampoo bowls located within the working area shall be kept clean and sanitized after
- 16 each use;
- 17
- 18 2. Service chairs, nail care tables, sinks/shampoo bowls, facial and waxing tables, dryers and dryer
- 19 chairs, apparatus for waxing and facials, tanning beds and any other objects that touch the client
- 20 shall be sanitized, sterilized or disposed of after each use;
- 21
- 22 3. The top of workstands or back bars shall be kept clean;
- 23
- 24 4. The work area shall be free of clutter, trash, and any other items which may cause a hazard;
- 25

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1 5. Heat producing appliances and equipment shall be placed so as to prevent any accidental injury
2 to the client or licensee; and

3
4 6. Electrical appliances and equipment shall be in safe working order at all times.

5
6 E. Articles, tools and products:

7
8 1. Any multi-use article, tool or product which cannot be cleansed or sanitized is prohibited from
9 use;

10
11 2. Tools, implements, linens, and multi-use articles shall be cleaned, and sanitized or sterilized
12 after each client;

13
14 3. Soiled implements must be removed from the tops of work stations immediately after use;

15
16 4. Clean spatulas, other clean tools, or clean disposable gloves shall be used to remove bulk
17 substances from containers;

18
19 5. Powder puffs, lip color, cheek color, sponges, or styptic pencils that cannot be sanitized or
20 sterilized are prohibited from being used on more than one client;

21
22 6. Lotions, ointments, creams, and powders shall be kept in closed containers. A clean spatula
23 shall be used to remove creams or ointments from jars. Sterile cotton shall be used to apply
24 creams, lotions and powders. Cosmetic containers shall be recovered after each use;

25

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- 1 7. For nail care, a sanitary container shall be provided to each client. Emery boards shall be
2 discarded after use on each individual client;
3
- 4 8. Clippies, curlers, bobby pins, or hairpins must be sanitized after each use;
5
- 6 9. If an object drops on the floor it must not be used until it is sanitized or sterilized;
7
- 8 10. All sharp tools, implements, and heat producing appliances shall be safely stored;
9
- 10 11. Pre-sanitized tools and implements, linens and equipment shall be stored for use in a sanitary
11 enclosed cabinet or covered receptacle;
12
- 13 12. Soiled towels, linens and implements shall be deposited in a container made of cleanable
14 materials and separate from those that are clean or pre-sanitized;
15
- 16 13. No substance other than a sterile styptic powder or sterile liquid astringent approved for
17 homeostasis and applied with a sterile single-use applicator shall be used to check bleeding;
18 and
19
- 20 14. Any disposable material making contact with blood or other body fluid shall be disposed of in a
21 sealed plastic bag and removed from the shop, salon, school or facility in accordance with the
22 guidelines of the Department of Health.
23
- 24 F. Chemical storage and emergency information:
25

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Pre-NOIRA – Attachment 1

1 1. Shops, salons, schools and facilities shall have in the immediate working area a binder with all
2 Material Safety Data Sheets (MSDS) provided by manufacturers for any chemical products
3 used;

4
5 2. Shop, salons, schools and facilities shall have a blood spill clean-up kit in the work area;

6
7 3. Flammable chemicals shall be stored in a non-flammable storage cabinet or a properly
8 ventilated room; and

9
10 4. Chemicals that could interact in a hazardous manner (oxidizers, catalysts and solvents) shall be
11 separated in storage.

12
13 G. Client health guidelines:

14
15 1. All employees providing client services shall cleanse their hands with an antibacterial product
16 prior to providing services to each client. Licensees shall require that clients for nail care
17 services shall cleanse their hands immediately prior to the requested nail care service;

18
19 2. An artificial nail shall only be applied to a healthy natural nail;

20
21 3. A nail drill or motorized instrument shall be used only on the free edge of the nail;

22
23 4. No shop, salon, school or facility providing cosmetology or nail care services shall have on the
24 premises cosmetic products containing hazardous substances that have been banned by the
25 U.S. Food and Drug Administration (FDA) for use in cosmetic products. No product shall be
26 used in a manner that is disapproved by the FDA; and

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5. All regulated services must be performed in a facility that is in compliance with current local building and zoning codes.

H. In addition to any requirements set forth in this section, all licensees and temporary permit holders shall adhere to regulations and guidelines established by the Virginia Department of Health and the Occupational and Safety Division of the Virginia Department of Labor and Industry.

I. All shops, salons, schools and facilities shall maintain a self-inspection form on file to be updated on an annual basis, and kept for 5 years, so that it may be requested and reviewed by the board at its discretion.

18 VAC 41-30-300. Grounds for license revocation or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty.

A. The board has the power to fine any licensee, certificate holder, or permit holder, and to suspend or revoke or refuse to renew or reinstate any license, certificate, or permit, or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board if the board finds that:

1. The licensee, certificate holder, or permit holder is incompetent, or negligent in practice, or incapable mentally or physically to practice as a barber, cosmetologist, haircutter, nail technician, or wax technician; or

2. The licensee, certificate holder, or permit holder is guilty of fraud or deceit in the practice or teaching of barbering, cosmetology, haircutting, nail care, or waxing; or

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1
2 3. The licensee, certificate holder, or permit holder obtained, renewed or reinstated a license,
3 certificate, or permit by false or fraudulent representation; or
4

5 4. The licensee, certificate holder or permit holder violates or induces others to violate, or cooperates
6 with others in violating, any of the provisions of these regulations or Chapter 7 (§ 54.1-700 et seq.)
7 of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of
8 health and sanitation of the establishment in which any barber, cosmetologist, haircutter, nail
9 technician or wax technician may practice or offer to practice; or
10

11 5. The licensee, certificate holder, or permit holder fails to produce, upon request or demand of the
12 board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's
13 possession or maintained in accordance with these regulations; or
14

15 6. A licensee, certificate holder, or permit holder fails to notify the board of a change of name or
16 address in writing within 30 days of the change for each and every license, certificate, or permit.
17 The board shall not be responsible for the licensee's, certificate holder's, or permit holder's failure
18 to receive notices, communications and correspondence caused by the licensee's, certificate
19 holder's, or permit holder's failure to promptly notify the board in writing of any change of name or
20 address or for any other reason beyond the control of the board; or
21

22 7. The licensee, certificate holder, or permit holder publishes or causes to be published any
23 advertisement that is false, deceptive, or misleading; or
24

25 8. The licensee, certificate holder, or permit holder fails to notify the board in writing within 30 days of
26 the suspension, revocation, or surrender of a license, certificate, or permit in connection with a

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1 disciplinary action in any other jurisdiction or of any license, certificate, or permit which has been
2 the subject of disciplinary action in any other jurisdiction; or

3
4 9. The licensee, certificate holder, or permit holder has been convicted in any jurisdiction of a
5 misdemeanor or felony involving sexual offense, drug distribution or physical injury, or any felony
6 which directly relates to the profession of barbering, cosmetology, haircutting, nail care or waxing.
7 The board shall have the authority to determine, based upon all the information available,
8 including the licensee's, certificate holder's, or permit holder's record of prior convictions, if the
9 regulant is unfit or unsuited to engage in the profession of barbering, cosmetology, haircutting,
10 nail care or waxing. Any plea of nolo contendere shall be considered a conviction for the
11 purposes of this section. The regulant shall provide a certified copy of a final order, decree or
12 case decision by a court or regulatory agency with the lawful authority to issue such order, decree
13 or case decision, and such copy shall be admissible as prima facie evidence of such conviction.
14 This record shall be forwarded by the regulant to the board within ten days after all appeal rights
15 have expired.

16
17 B. The board may revoke, suspend or refuse to renew or reinstate the license of any school or impose a
18 fine as permitted by law, or both, if the board finds that:

19
20 1. An instructor of the approved school fails to teach the curriculum as provided for in these
21 regulations; or

22
23 2. The owner or director of the approved school permits or allows a person to teach in the school
24 without a current instructor certificate; or
25

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1 3. The instructor, owner or director is guilty of fraud or deceit in the teaching of barbering,
2 cosmetology, nail care, or waxing.

3
4 C. The board may revoke, suspend or refuse to renew or reinstate the license of any barbershop,
5 cosmetology or nail salon or impose a fine as permitted by law, or both, if the board finds that:

6
7 1. The owner or operator of the shop or salon fails to comply with the sanitary requirements of
8 barbershops or cosmetology or nail salons provided for in these regulations or in any local
9 ordinances; or

10
11 2. The owner or operator allows a person who has not obtained a license or a temporary permit to
12 practice as a barber, cosmetologist, haircutter, nail technician, or wax technician unless the person
13 is duly indentured as a registered apprentice.

14
15 D. The board may revoke, suspend or refuse to renew or reinstate the license of any regulant or impose
16 a fine as permitted by law, or both, if the board finds that the regulant fails to take sufficient measures
17 to prevent transmission of communicable or infectious diseases or fails to comply with any local, state
18 or federal ordinance or regulation governing the standards of health and sanitation for the practices of
19 barbering, cosmetology, haircutting, nail care or waxing.

20
21